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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/578,762	12/19/2006	Kok Liang Tan	1189-PCT-US	1442
7590 04/14/2008				
Albert Wai-Kit Chan Law Offices of Albert Wai-Kit Chan World Plaza, Suite 604 141-07 20th Avenue Whitestone, NY 11357			EXAMINER BASHAW, HEIDI M	
			ART UNIT 3732	PAPER NUMBER
			MAIL DATE 04/14/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/578,762

**Applicant(s)**

TAN ET AL.

**Examiner**

HEIDI M. BASHAW

**Art Unit**

3732

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 January 2008.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.  
4a) Of the above claim(s) 11-13 is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-10 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 30 January 2008 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 5. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Meritt 5,174,754.

3. Re claim 1, Meritt discloses a base 14 portion adapted for bonding to a surface of a tooth, a body portion extending from the base portion and having an archwire receiving means and a first narrowing 20 forming a neck portion with the base portion 14 and provided substantially rear of the archwire receiving means, the archwire receiving means having a slot 18 substantially adapted to receive a portion of an archwire and having an opening comprising a second narrowing portion 22 which is narrower than the slot as illustrated in figs. 1-2.
4. Re claim 2, Meritt discloses the second narrowing portion is provided along the opening of the archwire receiving means as illustrated in figs. 1-2.
5. Re claim 3, Meritt discloses the second narrowing is provided at at least one point at the opening of the archwire receiving means as illustrated in figs. 1-2.
6. Re claim 4, Meritt discloses the second narrowing portion is at least one protrusion as illustrated in figs. 1-2.
7. Re claim 5, Meritt discloses a base 14 portion adapted for bonding to a surface of a tooth, a body portion extending from the base portion and having an archwire receiving means and a first narrowing 20 forming a neck portion with the base portion 14 and provided substantially rear of the archwire receiving means. The archwire receiving means having a slot 18 substantially adapted to receive a portion of an archwire and having an opening comprising an enlarged portion 22, which is broader than the slot as illustrated in figs. 1-2.
8. Re claim 6, Meritt discloses the enlarged portion is provided along a length of the archwire receiving means as illustrated in figs. 1-2.

9. Re claim 7, Meritt discloses the enlarged portion is provided as a point at the opening of the archwire receiving means as illustrated in figs. 1-2.
10. Re claim 8, Meritt discloses the enlarged portion is at least one protrusion as illustrated in figs. 1-2.
11. Re claim 9, Meritt discloses the appliance is an orthodontic bracket as illustrated in figs. 1-2.
12. Re claim 10, Meritt discloses coupling an archwire to an orthodontic appliance (col. 2, ll. 4-5) including placing an archwire proximate an archwire receiving means, moving the archwire into contact with a narrowing portion of the archwire receiving means and pushing the archwire substantially past the narrowing portion (col. 2, ll. 4-14). Meritt does not disclose bonding the base portion to a surface of a tooth, however, does disclose the bracket exerting a force on a tooth (col. 1, l. 42). It is inherent that a dental bracket for exerting forces on a tooth is bonded to a tooth.

### ***Response to Arguments***

2. Applicant's arguments filed January 30, 2008 have been fully considered but they are not persuasive. In response to the applicant's argument that Meritt does not disclose "a first narrowing forming a neck portion with said base portion and provided substantially rear of the archwire receiving means," it can be seen in fig. 2 that a neck portion 20 is formed "substantially" rear of the archwire receiving means 18. Applicant argues on page 4, l. 10 that the neck disclosed by Meritt "is provided on or about the same plane as the archwire slot." Therefore the claimed limitation is met since the neck disclosed by Meritt is substantially rear of the archwire receiving means. Further, a

synonym for "substantially" is "about," therefore the neck disclosed by Meritt is "substantially" rear of the archwire receiving means.

***Conclusion***

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **HEIDI M. BASHAW** whose telephone number is (571)270-3081. The examiner can normally be reached on **Mon-Thurs**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Cris Rodriguez** can be reached on 571-272-4964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**Heidi Bashaw**  
**Examiner**  
**Art Unit 3732**

**/John J Wilson/**  
**Primary Examiner**  
**Art Unit 3732**

HMB